

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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| Applicants: | John E. Burnes et al. | Examiner: | J. Reidel |
| Serial No. | 10/803,570 | Group Art Unit: | 3762 |
| Filing Date: | March 17, 2004 | Docket No.: | P-11471.00 |
| Title: | APPARATUS AND METHODS OF ENERGY EFFICIENT, ATRIAL-BASED BI-VENTRICULAR FUSION-PACING | | |

**TERMINAL DISCLAIMER TO OBVIATE A PROPOSED DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT UNDER 37 CFR 1.321**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The owner, Medtronic, Inc., of one hundred (100) percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 6,871,096. Medtronic hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors and assigns.

In making the above disclaimer, Medtronic does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the

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expiration of its full statutory term as presently shortened by any terminal disclaimer.

The undersigned is an attorney or agent of record.

The Commissioner is hereby authorized to charge \$130.00 to Deposit Account Number 13-2546 to cover the cost of the disclaimer. Any deficiency or overpayment should be charged or credited to Deposit Account No. 13-2546. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

Date: October 12, 2006

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